

Appl. No. 09/648,590
Response dated August 3, 2005
Reply to Office action of November 29, 2004

REMARKS

Reconsideration is respectfully requested.

The Office Action rejected claims 1, 2, 4 and 7-10 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,204,873 by Shimazaki. Claims 3, 11 and 14 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,204,873 by Shimazaki further in view of Fujima (U.S. 4,142,355). Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,204,873 by Shimazaki. Applicant respectfully traverses.

The present invention is characterized in that "it has a function of recognizing the boundary between an image portion and a background portion and a function of effecting color specification by cutting out a background portion, and also, a function of specifying a method of processing the background portion".

In contrast, the Shimazaki document relates to color correction of a color image, and Shimazaki is essentially different from the present invention.

The Examiner states that Shimazaki shows all the elements of the claims 1, 2, 4 and 7-10, except for the background pattern substantially lacking perceptible unevenness. The Examiner concludes that it would be obvious to consider that the pattern

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in the background portion of the Shimazaki chart is substantially lacking perceptible unevenness.

Applicant respectfully disagrees with this use of the Shimazaki document as being unwarranted. First, the document appears to be unrelated to what applicant's claimed invention is doing. In studying the Shimazaki reference, we cannot locate any teaching or suggestion of the image processing unit having a function of cutting out a background portion of the image. Shimazaki, instead of being related to what applicant's invention is doing, as recited in the field of the invention portion (column 1) of Shimazaki, is concerned with:

a color conversion adjustment method for a color printer which carries out gray correction conversion for correcting the gray balance for image data, and to a gray correction chart used at the time of adjusting or confirming gray correction conversion

Shimazaki is concerned with judging the gray balance (column 4, lines 9 and 10).

The Examiner has focused on the printing of the background portion of the claims and found a background printing in the Shimazaki reference. However, other elements of the claim are missing, such as the concept of cutting out a background portion. Shimazaki is merely printing a color and a black chart and then prints a gray background.

Regarding the Examiner's assertion that it would be obvious to consider that the pattern in the background portion of the

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Shimazaki chart is substantially lacking perceptible unevenness, applicant respectfully disagrees with this point, since, looking at the example printed background provided by Shimazaki (in FIG. 12 of that patent), Shimazaki's own example appears to have visible unevenness in the background portion, even though it is not a solid background. The portion of the Shimazaki patent that the Examiner refers to (column 17, lines 32-48) is concerned with evening out the thermal load of a thermal print head 78 (FIG. 5) printing an image on heat sensitive paper, to avoid the potential problem of the density of image regions being higher resulting from residual heat in the thermal print head in regions recorded AFTER an image region having a high density.

It is respectfully submitted that that this is a different concept from applicant's object of using a background pattern to avoid visual unevenness from occurring in the background portion.

Still further, Shimazaki does not have the concept of recognizing the background portion on the basis of the color specification. Such a concept is not present in Shimazaki. Such a concept would not be present in Shimazaki, as there is no reason to have such a feature within Shimazaki. Shimazaki merely notes that the background, which is identified as a portion of the first chart or the second chart other than the plurality of color patches, is outputted in a black color. It does not anywhere teach or suggest in Shimazaki that an output unit recognizes the background portion on basis of a color

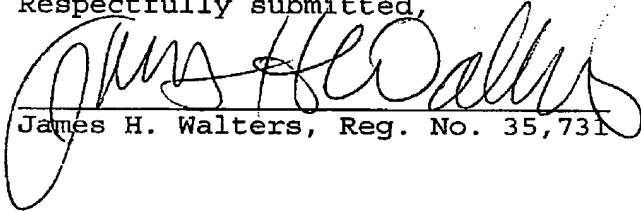
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specification as is recited by applicant's claims 1 (or recognizes a background design as in claims 5, 7, or 12).

The Examiner rejects some of the dependent claims by combining Fujima (U.S. Patent 5,142,355) with Shimazaki. However, Fujima does not add anything that would overcome applicant's perceived lacking in Shimazaki.

In light of the above noted remarks, this application is believed in condition for allowance. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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